

REMARKS

In this Amendment, Applicant has amended Claim 7 to overcome the rejection and specify different embodiments of the present invention. It is respectfully submitted that no new matter has been introduced by the amended claim. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAGRAPH:

Claim 7 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the rejections have been overcome by this amendment. Claim 7 has been amended to delete “and so on according to the conventional method in noodle-making field.” Thus, the claimed subject matter of Claim 7 is definite and clear to a person of ordinary skill in the art.

Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1 – 7 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over JP 61-25454 in view of Kadade, Zwiercan or Burkwall, Jr.

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over JP 61-25454 in view of Kadade,

Zwiercan or Burkwall, Jr. According to MPEP 2143.01, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

More specifically, JP61-25454 is the invention of mixing soy curd with water content of 45-80% with combined powder (for example, wheat powder) to manufacture the noodle. Its method to manufacture the captioned soy curd is set forth as follows: making the soy dip in water, then grinding the soy, braising and steaming the triturate, screwing the disposed matter, separating the surplus water, finally the soy curd with water content of 45-80% was obtained. From what mentioned above, the soy curd obviously was not the outgrowth in the process of soy. Although it has rich protein, it also comprises relatively low dietary fibre.

On the other hand, according to Claim 1 of the application of the present invention, the noodle is manufactured by bean-curd residue with water content of 60-80% and bean powder. The bean-curd residue in Claim 1 is completely different from "the soy curd with water content of 45-80%" mentioned in JP61-25454. The bean-curd residue is the outgrowth in the process of manufacturing soybean protein powder. It has low protein, and comprises a large amount of dietary fibre.

The prior art references did not provide with the suggestion, motivation or teaching regarding the method to manufacture the soy noodle through the wet bean-curd residue and soybean powder. It is respectfully submitted that JP61-25454 merely provides with the instruction regarding the method to manufacture the soy noodle through the bean curd and wheat powder. The major component of the said noodle in JP61-25454 is wheat powder. However, in Claim 1 of the present application, the soy noodle is completely manufactured by soybean product. Furthermore, the technique of the manufacture in the prior art is completely different from the techniques of the manufacture in the present invention. In the prior art, when form finished soybean noodle product, the temperature is at less than 120°C, and at a pressure of 2-3 atm. However, in

the captioned invention, when form finished soybean noodle product, the temperature needs to be at between 100°C-190°C, and at a pressure of 6-8 atm.

Applicant respectfully submits that Kakade (col.1), Zwiercan et al, or Burkwall, Jr, merely disclose that the soybean powder contains rich nutrient. However, they did not provide with the suggestion, motivation or teaching regarding the method to manufacture the soy noodle through the soybean powder combined with the bean-curd residue. Therefore, Claim 1 in the captioned application is not obvious over the cited references.

The bean-curd residue, as a kind of outgrowth in processing the soybean, is usually used to be the feed for pigs. However, the bean-curd residue of the present invention has rich dietary fibre, which could promote the movements of stomach and intestines, taking effects of decreasing the absorption of sugar and fat, helping reduce weight and so on. These benefits are not available in the products of the cited references.

Furthermore, the soybean powder has intense soybean odor, and the bean-curd residue could effectively counteract and release the soybean odor. According to the present invention, the combination of the bean-curd residue and the soybean powder not only could delete the soybean odor, but also promote the temper and qualification of the noodle, improving the taste of as well. Moreover, due to the fact that the bean-curd residue contains certain amount of water, no additional water needs to be added in the process of this invention to form finished noodle product. Thus, the technique has been be simplified in the process. From what mentioned above, the soybean noodle as defined in pending claims is a non-obvious improvement over the prior art.

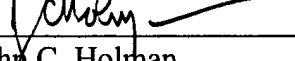
Therefore, the newly presented claims are not obvious over JP 61-25454 in view of Kadade, Zwiercan or Burkwall, Jr. and the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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